

Wollondilly Shire and Its Planning and Economy

PE1 Development Application No. 10.2010.944.1 – Six (6) Lot Subdivision and the Construction of Five (5) Dwellings at Stargard Crescent Picton
211GROK DA10\11174P2

That Development Application No. 010.2010.00000944.001 for the six (6) Lot subdivision and the construction of five (5) dwellings at Lot 24 DP 1087690, Stargard Crescent Picton, be determined by the granting of development consent subject to the following conditions:

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for six (6) lot subdivision and the construction and use of five (5) dwelling houses at Lot 24 DP 1087690, Stargard Crescent PICTON.
- (2) Development shall take place in accordance with the endorsed amended plans prepared by Total Surveying Solutions and Macarthur Architectural Drafting Services and submitted in respect of Development Application No. 010.2010.00000944.001, except where varied by the following conditions:
- (3) Development shall take place in accordance with the recommendations of the endorsed Geotechnical Instability Assessment prepared by Harvest Scientific Services.

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(4) The development shall be staged as follows:

Stage	Development
1	Subdivision of the land to create the 6 allotments proposed.
2 (a)	Construction of the approved dwelling on Proposed Lot 24
2 (b)	Construction of the approved dwelling on Proposed Lot 25
2 (c)	Construction of the approved dwelling on Proposed Lot 26
2 (d)	Construction of the approved dwelling on Proposed Lot 27
2 (e)	Construction of the approved dwelling on Proposed Lot 28

The works associated with Stage 2 may not be commenced (nor any Construction Certificate issued in respect of those works) until after the completion of Stage 1 including registration of the subdivision plan. Stages 2(a)-(e) may be undertaken in any order or concurrently with each other.

(5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition *Tree Clearing* has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

These conditions apply to Stages 2(a) to 2(e) inclusive only

- (6) The proposal shall be redesigned to achieve a 16m setback from Stargard Crescent for dwellings on Lots 24 – 27 (inclusive). Where this requires a reconfiguration of the effluent management area a further wastewater assessment shall be provided to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.**

Amended plans demonstrating compliance with this condition shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.

- (7) Approval is subject to the condition that the building or person who does the residential building work complies with the applicable requirements of Part 6 of the *Home Building Act 1989* whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the application requirements of Part 6.

This condition applies to Stage 2(e) only

- (8) The plans and BASIX Certificate for the dwelling proposed to be constructed on Proposed Lot 28 incorrectly identify the land as Lot 29. Prior to the release of any Construction Certificate for this dwelling amended plans and BASIX certificate shall be submitted to the Principal Certifying Authority correctly identifying the subject land.

2. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

These conditions apply to Stage 2 only

- (1) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (2) Due to the close proximity of the Railway Corridor to the proposed development the subject buildings are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

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- In any bedroom in the building: 35dB(A) at any time 10pm-7am.
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at anytime.
- (3) Confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to any occupation of the development or the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed.

3. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

These conditions apply to Stage 2 only

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

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- (a) **Must be a standard flushing toilet; and**
- (b) **Must be connected:**
 - (i) **to a public sewer, or**
 - (ii) **if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.**

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (5) **The floor level of the dwelling shall be at least 200mm above finished ground level.**

4. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

These conditions apply to all stages

- (1) **All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.**

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- (2) **Engineering design plans and stormwater drainage calculations, for the access road and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.**
- (3) **Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.**
- (4) **Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.**
- (5) **A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.**
- (6) **The applicant shall provide a Geotechnical Engineers report supporting the location of the proposed building envelopes of the proposed lots, 24, 25, 26 and 27 including the detail of stability measures prior to the issue of a Construction Certificate.**
- (7) **Prior to the issue of any Construction Certificate, a Flood Study Report shall be prepared by a suitably qualified engineer and approved by the Principal Certifying Authority. The Report shall assess the extent of the 1% AEP Flood associated with Stonequarry Creek upstream of Barkers Lodge Road and nominate a minimum Floor Level for habitable rooms of the dwelling on proposed lot 28 at 500mm above the relevant 1% AEP Flood Level. This condition may be satisfied by providing certification from a suitably qualified engineer that states that the proposed building envelope, has sufficient clearance above an estimated 1% AEP flood level. For this purpose, the 1% AEP flood level may be estimated using an approximate method, provided that the difference between the flood level and level of the building envelope is shown to be large enough to account for any inaccuracies in the method.**

5. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

These conditions apply to all stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An interallotment drainage system shall be provided for the lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (4) Suitable stormwater drainage shall be provided in the existing watercourses shown on lots 26, 29 and 28. This system shall be located within a drainage easement not less than 3.0 metres wide which confers appropriate drainage rights. Details of this shall be shown on the engineering plans. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (5) The existing open drain located within lots 26 & 29 shall be piped to discharge to the existing drainage adjacent to Barkers Lodge Road. All works required by this condition must be completed prior to the release of any Subdivision Certificate.

- (6) A maintenance plan for the existing dam on the subject land shall be prepared to the satisfaction of Council prior to the release of any Subdivision Certificate for Stage 1. Compliance with this plan shall be registered as a public positive covenant on the land with Council being the responsible authority to release, vary or modify the restriction. The dam shall be maintained in accordance with this approved plan at all times. This Condition shall be satisfied where the dam is removed (note removal of the dam involves works within 40 metres of a watercourse and approval of the NSW Office of Water shall first be obtained and a copy submitted to Council).

These conditions apply to Stage 2 only

- (7) Roof water from the proposed dwellings shall be discharged to the water tank(s). The overflow for these tanks shall be connected to the drainage system required to be provided by the conditions of this consent.

6. ACCESS

These conditions have been imposed to ensure adequate vehicular access is provided to the development.

These conditions apply to all stages

- (1) A suitable access road shall be provided that will facilitate vehicular access from Starguard Crescent to the building envelope on proposed Lot 28 prior to the issue of any subdivision certificate for the development. The access road shall be generally in accordance with Council's standard Category G1 with the following variations:
- Generally the pavement is to be a minimum of 4.0 metres wide and constructed of a minimum 200mm of crushed sandstone.
 - Table drains are to be formed where required to provide adequate drainage.
 - Pipe culvert / dish crossing are to be constructed where required to provide adequate drainage.
 - Passing bays shall be provided at intervals not exceeding 200m sight distance and the road shall be two coat bitumen sealed (First coat with 14mm aggregate and second coat with 10mm aggregate) for a minimum 3.0m width.
 - Widening the access road shall be provided at the steep crest to a minimum 6.0 metres pavement and 5.0 metres seal.

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- Access road surface on grade more than 16% shall be asphaltic concrete seal with 30mm AC10 on single coat seal of 10mm aggregate.
- (2) Provision of Vehicular Access to the site through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. These accesses shall be provided to each dwelling prior to the release of the relevant Occupation Certificate.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Traffic and Design Section.

7. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

These conditions apply to all stages

- (1) Provision of Vehicular Access to the lot 28 through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) The person having the benefit of this consent, shall at no cost to Council, dedicate land as public road to widen Stargard Crescent by 2.0 metres along the frontage of proposed lots 24, 25, 26 & 27. Details of this shall be shown on the engineering plans and the plan of subdivision.

8. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

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These conditions apply to all stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

9. EARTH WORKS

These conditions have been imposed to ensure earthworks do not cause harm to the environment or to human health.

These conditions apply to all stages

- (1) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Water & Energy.
- (2) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (3) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

(1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
- When drainage lines have been laid, jointed and bedded, prior to backfilling.
- Prior to pouring of the drainage pits, when the formwork and steel is in place.
- Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
- When roadworks have been excavated to subgrade, prior to placing of pavement.
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
- After shaping and prior to topsoil/turf placement of overland flow paths.
- During the roller test, which is to be carried out using a three point roller or approved equivalent.
- At sealing.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

These conditions apply to Stage 2 only

(2) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

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- Footings.
- Pier holes before pouring of concrete.
- Steel reinforcing before pouring of concrete.
- Internal drainage before backfilling.
- External drainage before backfilling.
- Septic tank and/or holding well before backfilling and when joints are sealed.
- Septic system disposal area before backfilling trenches.
- Septic system disposal area after turfing.
- Wet area damp proofing and flashing before lining.
- Stormwater drainage before backfilling.
- Bearers and joist inspection before flooring is fixed.
- Frame work before internal cladding or lining is fixed.
- Completion of the building work before occupation or use.

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

These conditions apply to Stage 1 only

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

This condition applies to all stages

- (4) All power and services within the site shall be underground.**

These conditions apply to Stage 2 only

- (5) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.**
- (6) Prior to commencement of drainage works, a sewerage management facility application comprising plans and manufacturers specifications shall be submitted to Wollondilly Shire Council for approval.**
- (7) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.**

12. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

These conditions apply to Stage 2 only

- (1) The buildings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.**

13. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

These conditions apply to Stage 1 only

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species.
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems.
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) Landscaping shall be installed in accordance with the following table prior to the release of any Subdivision Certificate.

Location	Requirements
A ten metre wide strip along the boundary between Proposed Lot 29 and Barkers Lodge Road behind Proposed Lots 24-26 extending southward to the boundary of the Propose Lot 29 with Lot 1 DP 1031333.	Planting with native trees with a minimum density of 1 tree per 2m ² .

- (4) The vegetation on Proposed Lot 29 shall be managed for the purposes of passive recreation. Accordingly, the grass shall be mown and/or grazed to ensure the length of the grass is suitable for such purposes. The dam on this lot shall also be maintained to ensure there is no harm to the natural environment or human health. A plan of management detailing compliance with this condition shall be provided to the Council prior to the release of the Subdivision Certificate.

14. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

These conditions apply to all stages

- (1) Any fencing that crosses or is located on the boundary of a drainage easement or easement to drain water shall comply with Council's "Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses Policy".
- (2) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.

15. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);

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- ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;
 - d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate.

16. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) Payment of a Contribution for five (5) lots in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1 280
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 52 365
(iii)	Library & Community Facilities (Shire)	\$ 6 050
(iv)	Library & Community Facilities (Precinct)	\$ 7 795
(v)	Transport & Traffic (Roads & Intersections)	\$ 21 700
(vi)	Transport & Traffic (Cycleways)	\$ 315
(vii)	Bushfire Protection	\$ 155
(viii)	Plan Administration	\$ 4 483
	TOTAL	\$ 94 143

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

17. SUBDIVISION PLANS

These conditions have been imposed to ensure the subdivision plan(s) is/are prepared in accordance with the requirements of this consent and the Act.

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) Stage 1 of the development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) Building envelopes shall be nominated and indicated on the Linen Plan for each lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as the waste water irrigation area, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
- (5) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.
- (6) Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.

18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

- (1) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to any occupation of the development or the issue of any Occupation Certificate.
- (2) **SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES**
 - (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (b) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Stating that unauthorised entry to the work site is prohibited.
 - (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (3) **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**
 - (a) For the purpose of Section 80A (11) of the Act, the following conditions are prescribed in relation to a Development Consent for development that involves any building work:

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- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent comments.
- (b) This condition does not apply:
- (i) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4); or
 - (ii) to the erection of a temporary building.

19. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Telstra (telephone) 1800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

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- (i) **Payment of Road Damage Inspection Fee (if development cost >\$5,000).**
- (ii) **Payment of a Road Opening Fee.**

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (4) **The applicant is advised that Council reserves the right to restrict the days and hours of works if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.**

Offensive noise means noise:

- (a) **that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:**
 - (i) **is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or**
 - (ii) **interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
- (b) **that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.**

This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs M Banasik, Vernon, Khan, B Banasik, Landow, Hannan and Mitchell